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**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN ALASKA
ENVIRONMENTAL CENTER, *et al.*,

Plaintiffs,

v.

DAVID BERNHARDT, *et al.*,

Defendants.

Case No. 3:20-cv-00187- SLG

**PLAINTIFFS' RESPONSE TO MOTION TO INTERVENE BY ALASKA
INDUSTRIAL DEVELOPMENT AUTHORITY**

Plaintiffs hereby respond to Alaska Industrial Development Authority's (AIDEA) motion to intervene, Doc. 19. Plaintiffs take no position on AIDEA's motion, but request the Court to put reasonable limits on AIDEA's and Ambler Metals LLC's participation as intervenors to ensure the efficient conduct of these proceedings and to ensure Plaintiffs are not prejudiced by movant-intervenors' participation in the case. *See* Ambler Metals LLC's Unopposed Motion to Intervene under Federal Rule of Civil Procedure 24, and Memorandum in Support (Doc. 17).

This court has broad discretion to impose reasonable conditions on intervention, such as consolidated briefing by intervenors, page limitations, a requirement to confer to coordinate briefing and other matters, or a requirement that parties only address claims not adequately briefed by the federal government. *See* Fed. R. Civ. P. 24 Advisory Comm. Notes (1966 Amend.) (indicating that even "intervention of right under the amended rule may be subject to appropriate conditions or restrictions responsive among other things to the requirements of efficient conduct of the proceedings").

Plaintiffs request that both movants be subject to the following conditions, previously agreed upon in writing with movant Ambler Metals, LLC.¹ To facilitate efficient resolution of this case and so as not to prejudice Plaintiffs, Plaintiffs request that

¹ Plaintiffs' counsel did not have an opportunity to confer with one another or clients prior to movant AIDEA submitting its Motion to Intervene. Counsel for AIDEA reserved taking a position until seeing Plaintiffs' Response.

the page and word limitations established by Local Civil Rule 7.4 apply to movants if this Court allows them to intervene in this case. Plaintiffs further request that this court require movants to coordinate to the maximum extent practicable to avoid duplicative arguments with the Federal Defendants and each other. Plaintiffs also anticipate needing additional briefing space and time to adequately respond to the additional briefing from movants. Plaintiffs request any reply brief in response to motions for summary judgment be allotted up to 40 pages, rather than limited to 20 pages per Local Civil Rule 7.4.

When discussing limits on intervention with counsel for Ambler Metals, they agreed not to oppose a request for additional briefing space in Plaintiffs' reply brief. Plaintiffs also anticipate there may be additional time required for the reply brief, and plan to address scheduling for merits briefing jointly with Federal Defendants and movants after resolution of any questions related to the administrative record.

Respectfully submitted this 19th day of November 2020.

s/ Bridget Psarianos
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s/ Roger Flynn (consent)
Roger Flynn (*pro hac vice*)
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CERTIFICATE OF SERVICE

I certify that on November 19, 2020, I caused a copy of the PLAINTIFFS' RESPONSE TO MOTION TO INTERVENE BY ALASKA INDUSTRIAL DEVELOPMENT AUTHORITY to be electronically filed with the Clerk of the Court for the U.S. District Court of Alaska using the CM/ECF system which will send electronic notification of such filings to the attorneys of record in this case.

s/Bridget Psarianos
Bridget Psarianos